

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Section 63.71 Application of)	
Comcast Phone of Minnesota, LLC)	
for Authority Pursuant to)	
Section 214 of the Communications)	WC Docket No. 07-277
Act to Discontinue the Provision)	
of Comcast Digital Phone)	
Service in Minnesota)	

**REPLY OF
COMCAST PHONE OF MINNESOTA**

Comcast Phone of Minnesota, LLC d/b/a Comcast Digital Phone (“Comcast”), through undersigned counsel, submits this reply to the comments that have been filed in response to Comcast’s application to discontinue its Comcast Digital Phone (“CDP”) service offering in Minnesota.

1. Customer Comments. Two sets of customer comments have been submitted. The first, from Darlene Sabourin of St. Paul, Minnesota, is now moot, as Ms. Sabourin has transferred her service to the interconnected VoIP service offered by a Comcast affiliate effective December 24, 2007. Ms. Sabourin will not, therefore, experience any service disruption as a result of Comcast’s proposed discontinuance.

The second set of commenters (Benjamin Clasen and Jeremy Tremblay, also of St. Paul), have told the Comcast customer service representative that contacted them several weeks ago that they do not intend to transfer their service before the proposed January 10, 2008 disconnection date.¹ While Clasen and Tremblay have expressed concerns about Comcast’s

¹ As Comcast’s application explains, no customers will lose service entirely after January 10. Rather, customers who have not yet transferred their service will be placed into “soft dial

interconnected VoIP offering, Comcast believes those concerns are unfounded. As Comcast has explained to the commenters, Comcast's VoIP service operates over a secure, private network, provides direct 911 calling to the same public safety answering point operators as other local providers, and is a reliable service that will not require the re-wiring of their home. Likewise, other, traditional circuit-switched alternatives remain available. Clasen and Tremblay are apparently unwilling to switch to one of those alternatives, however, because of the impact that doing so will have on the rate they pay for Comcast's broadband Internet access service unbundled from Comcast's VoIP service offering. That concern, however, is simply not grounds for the Commission to consider denying Comcast's request to discontinue its CDP offering. Comparably priced service alternatives are available and customers that avail themselves of those alternatives will not be adversely affected by Comcast's discontinuance service in Minnesota. Comcast stands ready to assist Messrs. Clasen and Tremblay in switching service if and when they choose to do so.

2. Minnesota Public Utility Commission Comments. Mr. Mark Oberlander, the Telecommunication [*sic*] Manager of the Minnesota Public Utility Commission ("PUC"), has also submitted a letter comment. For present purposes, Comcast assumes that Mr. Oberlander's letter reflects the views of the PUC.

Although not styled as an opposition, Mr. Oberlander's letter takes issue with the assertion in Comcast's application to this Commission that it "is following the appropriate state law for discontinuance of the applicable Comcast Digital Phone service in [Minnesota]."² Mr.

tone" status, which will enable them to place calls to emergency service dispatch operators and to contact Comcast's customer service representatives for an additional month.

² *Application of Comcast Digital Phone of Minnesota, LLC d/b/a Comcast Digital Phone to Discontinue Domestic Telecommunications Services*, Section 63.71 Application, WC Docket No. 07-277 ("Application") at 2.

Oberlander writes that, “[i]t would seem premature” to reach that conclusion, and cites the pendency of two PUC dockets as the basis for that assertion. One proceeding (Docket No. P3123/M-07-1067) arises from the tariff revisions that Comcast filed on August 6, 2007 in anticipation of the discontinuance of CDP. The PUC has used this docket to ask a number of questions purportedly related to Comcast’s proposed discontinuance, despite the fact that, under Minnesota law, those tariff revisions became effective the next day (August 7, 2007). The other proceeding, Docket No. P3123/M-07-1417, was also purportedly opened to examine the final tariff filing that will discontinue the CDP offering (although the docket was not opened in response to a Comcast tariff filing).

The fact that the PUC has opened these dockets, however, has no bearing on whether Comcast is adhering to applicable state law governing the discontinuance of its CDP service in Minnesota. No less an authority than the Minnesota Department of Commerce, commenting to the PUC in Docket No. P3123/M-07-1417, agrees that Comcast *has* followed all state laws, rules and procedures governing the discontinuance of telecommunications service in the state and that Comcast’s application should be granted.³

The Minnesota discontinuance rules, as the Department of Commerce has recognized, are relatively limited and straight-forward, and essentially self-executing. Specifically, Minn. Rule 7812.0600, subp. 6, governs the discontinuance of local telecommunications service. That rule places only the following limitations on a “local service provider’s” (“LSP”) exit from the market:

³ See Comments of the Minnesota Department of Commerce, *In the Matter of Comcast Phone of Minnesota, LLC’s a Notice of Discontinuance of Comcast Digital Phone Service*, Docket No. P3123/M-07-1417 (Dec. 14, 2007) at 5 (concluding that Comcast, “appears to have met the requirements of Minnesota Rule 7810.0600” (the substantive rule governing

Limitation on exit. An LSP shall not withdraw from a service area unless another LSP certified for that area will be able to provide basic local service to the exiting local service provider's customers immediately upon the date the exiting provider discontinues service. An LSP shall not withdraw from its service area until 60 days after it has given written notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and its customers.

Comcast has satisfied both requirements. Customers were notified of the planned discontinuance on October 31, 2007, more than 60-days before the proposed discontinuance. *See* Comcast FCC Application, Exhibits 1 and 2. And Comcast has verified that alternative service providers are available to serve all affected customers. Comcast has even taken the extra step of providing its customers with the Internet URL to a list of those other providers in the event that affected customers are reluctant to subscribe to Comcast's VoIP service.

In sum, there is nothing in the Minnesota Rules that requires PUC pre-approval before a local provider may exit the market. Further, Minnesota Rules do not require PUC approval of tariff revisions made by a CLEC such as Comcast. Minn. Rules 7812.2210, states that "[t]he commission shall exercise its authority over a CLEC's local services only upon complaint under subpart 17 and will not require prior approval of a CLEC's tariff or service offerings."

It was not "premature," therefore, for Comcast to inform the Commission that it had complied with all applicable Minnesota rules governing the planned discontinuance of its CDP offering. It clearly had, as the Department of Commerce has recognized. In this regard, it is noteworthy that Mr. Oberlander's letter does not cite any law, regulation or fact that would suggest otherwise. Instead, he simply refers to the two open dockets, neither of which has been or can be justified beyond the narrow tenets of its targeted subject matter (the discontinuance and the tariff revision, respectively). Nevertheless, a preponderance of the questions that the PUC

discontinuance)) and 12 (recommending that Comcast's application to discontinue service be granted). The Department's comments are attached to this pleading.

has posed to Comcast in these dockets are related to Comcast's interconnected VoIP service offering and have little, if anything, to do with the proposed discontinuance of CDP. While Comcast has cooperated with the PUC to date, and nothing in Mr. Oberlander's letter ever approaches an assertion to the contrary, the PUC's interest in issues beyond the scope of its own investigations is not grounds for holding up Comcast's proposed discontinuance.

Comcast recognizes that the discontinuance of its CDP product, and the growth of its interconnected VoIP service offerings, raises issues of interest to regulators. But as the Minnesota Department of Commerce has recognized, those larger issues are not properly considered in a docket arising from Comcast's discontinuance request. *See* DOC Comments to the PUC at 12.

Mr. Oberlander's letter also includes an obscure criticism of the notice that Comcast provided to its customers about the discontinuance. Those notices, which are attached as Exhibits 1 and 2 to the FCC application, are under Comcast's general letter head, with the Comcast logo appearing in approximately 24 point font on the top left-hand corner of the page and the "Comcast Cable" address in approximately 9 point font on the right. The letters thank customers for subscribing to Comcast Digital Phone and explain that the service will soon be discontinued. Mr. Oberlander does not contend that the reference to "Comcast Cable" caused any customer confusion but, for reasons that he does not articulate, nonetheless suggests that the notices "may not have provided sufficient notice[] to satisfy the notice requirements in this matter." Oberlander Letter at 2.

Blacks Law Dictionary (6th Ed.) defines "notice" as "information concerning a fact, actually communicated to a person by an authorized person, or actually derived by him from a proper source" With this common-sense definition in mind, it is clear that Comcast provided

its customers with adequate and sufficient notice as required by law, notwithstanding the reference to Comcast Cable (which, in any event, is a postal address, not the complete name of any separate Comcast affiliate) in the upper right hand corner of the letter. Given that Mr. Oberlander has not offered any suggestion as to how Comcast's notice letters failed to provide customers with adequate notice, or evidence of actual confusion, his comments on this issue should play no role in the Commission's consideration of Comcast's application.

Finally, Mr. Oberlander's letter concludes with the suggestion that it, "may be appropriate for the Commission to clarify whether, and to what extent, its decision in this matter affects local telephone and intrastate telecommunications services currently provided by the Applicant in Minnesota under the jurisdiction of the Minnesota Public Utilities Commission." Comcast respectfully disagrees. There is no need for such a clarification. The Commission's jurisdiction in this matter is unambiguously over Comcast's *interstate* service offerings, which Comcast plans to discontinue on or after January 10, 2008. Moreover, Comcast's representation in its Application to this Commission that it is complying with state procedures was, and remains, accurate. Regardless of how the PUC proceed, nothing has been presented to this Commission that would support denying Comcast's request to discontinue the interstate service

offerings associated with the CDP service it provides in Minnesota. For the foregoing reasons, Comcast's application should be granted.

Respectfully submitted:

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Counsel for Comcast Phone of Minnesota, LLC

Dated: January 7, 2008

Attachment
(Minnesota Department of Commerce Comments)



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An equal opportunity employer

December 14, 2007

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
In the Matter of Comcast Phone of Minnesota, LLC's a Notice of Discontinuance of
Comcast Digital Phone Service
Docket No. P3123/M-07-1417

Dear Dr. Haar:

Attached are the comments of the Department of Commerce in the above-referenced docket. The Department's recommendations are contained herein. The Department is available to answer any questions the Commission may have.

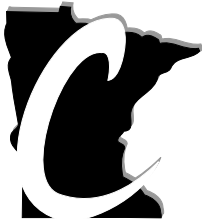
The petition was filed on November 8, 2007 by:

Richard Wolfe
Senior Director, Government Affairs
Comcast Midwest Division
29777 Telegraph Road, Suite 4400-B
Southfield, MI 48034-5155

Sincerely,

/s/ KATHERINE DOHERTY
Rates Analyst

KD/ja
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. P3123/M-07-1417

I. BACKGROUND

Comcast Phone of Minnesota, Inc. (fka AT&T Broadband Phone of Minnesota, fka MediaOne Telecommunications Corporation of Minnesota) (“Comcast Phone”) received Minnesota Public Utilities Commission (Commission) authority to provide resold intrastate interexchange services in Docket No. P3123/M-98-1716 on December 17, 1996. It received Commission approval to amend its certificate of authority to provide facilities-based local exchange telecommunications service in Docket No. P3123/M-98-1716 on January 26, 1999.

On August 8, 2007, Comcast Phone filed a petition in Docket No. P3123/M-07-1067 to grandfather its Comcast Digital Phone Service residential offering, the associated long distance offering, and the availability of its residential telephone assistance plan and Linkup offerings to existing customers.

On November 7, 2007, in the instant docket, Comcast Phone filed a petition with the Minnesota Public Utilities Commission to discontinue its “Comcast Digital Phone Service” (CDP) for residential customers in Minnesota effective January 10, 2008.

II. STATEMENT OF ISSUES

1. Should the Commission permit Comcast Phone to cease providing its CDP service to residential customers in Minnesota?
2. Should Comcast Phone be required to relinquish its existing certificate of authority, or request a waiver of Minn. Rule 7812.0600 if it no longer offers or provides a basic local exchange service to residential customers?

3. What other issues are raised by Comcast Phone's petition, and how should the Commission proceed with respect to those issues?

III. STATEMENT OF LAW

Minn. Rule 7812.0600 provides requirements for the provision of basic local telephone service as follows (in relevant part):

Subpart 1. Required services. A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

- A. single party voice-grade service and touch-tone capability;
- B. 911 or enhanced 911 access;
- C. 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
- D. access to directory assistance, directory listings, and operator services;
- E. toll and information service-blocking capability without recurring monthly charges
- F. one white pages directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer;
- G. a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;
- H. call-tracing capability according to chapter 7813;
- I. blocking capability
- J. telecommunications relay service capability or access necessary to comply with state and federal regulations.

Subp. 2. Separate flat rate service offering. At a minimum, each LSP shall offer the services identified in subpart 1 as a separate tariff or price list offering on a flat rate basis. An LSP may also offer basic local service on a measured rate basis or in combination with other services. An LSP may impose separate charges for the services set forth in subpart 1 only to the extent permitted by applicable laws, rules, and commission orders.

Subp. 3. Service area obligations: all LSPs. An LSP shall provide its local services on a nondiscriminatory basis, consistent with its certificate under part [7812.0300](#) or [7812.0350](#), to all customers who request service and whose

premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area under part [7812.0300](#), subpart 4, or [7812.0350](#), subpart 4. The obligation to provide resale services does not extend beyond the service capability of the underlying carrier whose service is being resold. The obligation to provide facilities-based services does not require an LSP that is not an eligible telecommunications carrier (ETC) to build out its facilities to customers not abutting its facilities or to serve a customer if the local service provider cannot reasonably obtain access to the point of demarcation on the customer's premises.

Subp. 6. Limitation on exit. An LSP shall not withdraw from a service area unless another LSP certified for that area will be able to provide basic local service to the exiting local service provider's customers immediately upon the date the exiting provider discontinues service. An LSP shall not withdraw from its service area until at least 60 days after it has given written notice to the commission, department, Office of Attorney General-Residential Utilities Division (OAG-RUD), and its customers. The notice must identify the other LSPs available to its customers.

Minn. Stat. 237.70 provides that the telephone assistance plan must be statewide and apply to local service providers that provide local exchange service in Minnesota.

Minn. Rule 7812.0100, Subp. 8. defines "basic local service." 'Basic local service' means the services required under part [7812.0600](#) and any other services or terms determined by the commission to be integral to the basic communications, health, privacy, or safety needs of customers.

Minn. Rule 7812.0100, Subp. 33. defines "local service." 'Local service' means dial tone, access to the public switched network, and any related services provided in conjunction with dial tone and access, including services that may be required under part [7812.0600](#). Local service does not include local niche service.

Minn.Stat.237.081, Subd. 1 permits the Commission to investigate any matter relating to telephone service

Commission investigation. Whenever the commission believes that a service is inadequate or cannot be obtained or that an investigation of any matter relating to any telephone service should for any reason be made, it may on its own motion investigate the service or matter with or without notice, except that the commission shall give notice to a telephone company before it investigates the level of rates charged by the company.

Federal Communications Commission (FCC) Rule 47 CFR §51.5 provides the following definition of telecommunications service:

The term *telecommunications service* refers to the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

FCC Rule 47 CFR §9.3 defines “Interconnected Voice over Internet Protocol (VoIP) Service” as one which:

1. Enables real-time two-way voice communications;
2. Requires a broadband connection from the user’s location
3. Requires Internet-Protocol-compatible customer premises equipment (CPE) and;
4. Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network

IV. ANALYSIS

A. *DISCONTINUANCE OF COMCAST PHONE’S CDP SERVICE*

Comcast filed its formal “Notice of Discontinuance of Comcast Digital Phone Service” on November 7, 2007. In the filing, Comcast states that the CDP service will be discontinued on January 10, 2008. Attached to its filing Comcast has provided copies of letters sent to existing customers of the CDP product, stating that as of January 10, 2008, Comcast will “provide telephone services only through its Digital Voice product line, and will no longer be providing service through its current Digital Phone product line.”¹

The letter informs customers that they “need to select a new telephone service *plan*”² (emphasis in original). The letter advises customers that they may “remain a Comcast customer by subscribing to our Comcast Digital Voice service and experience the simplicity, convenience, and value of our new residential home phone service for just \$19.95 a month for the first twelve months, plus free installation.” An asterisk and small print at the bottom of the letter informs customers, that an “EMTA” is also required for \$3.00 monthly (current charge) and that after the 12-month promotion, regular rates, which are currently \$44.95, apply.³ The small print also includes disclaimers with respect to 911 and other functionality during power outages, and other applicable but undisclosed rates, terms, and conditions of the service.

The letter does inform customers that they also have the option of choosing another provider for local and long distance telephone service, and provides a list of other local service providers throughout its service area.

¹ Attachment B to Comcast Response to Commission Staff Information Request (IR) 3a; attached as DOC ATTACHMENT 1.

² Id.

³ Comcast Phone’s currently grandfathered residence basic “local only” offering is provided at \$18.99 monthly, according to Section 3.3.3, page 26 of its tariff.

Comcast appears to have met the requirements of Minnesota Rule 7810.0600, subpt. 6. Comcast has provided 60 days notice to customers, the Commission, the Department of Commerce, and the Office of the Attorney General, and has identified, in its notice, the other local service providers that are available to customers as required by the rule. Comcast should be required to provide, if it has not already done so, specific notice to its current TAP customers that, should they choose to subscribe to Comcast Digital Voice service, they will no longer receive the TAP discount for which they would otherwise be eligible. Comcast Phone states that it “will file a revised tariff with the Commission in accordance with the rules and regulations of tariff filings for CLECs when it moves to the “soft” disconnect date of January 10, 2008.”⁴

Customer Impact

Comcast states, in response to Commission Staff Information Request #3, that it “has provided its CDP customer with a series of notice letters to ensure that they are well informed of important dates and the actions that need to be taken before the company discontinues its CDP service on January 10, 2008. On July 12, the company provided its customers with notice that its CDP service would be grandfathered as of August 7, 2007, and that it would no longer be accepting new orders for CDP services. On September 17, 2007, the company sent notice to its CDP customers that it would be discontinuing its CDP services on January 10, 2008. On November 3, 2007, Comcast again sent all of its remaining CDP customers notice that it would be discontinuing its CDP services on January 10, 2008, and instructing them on the steps they must take to maintain uninterrupted home phone service. Those CDP customers on Comcast’s Do Not Mail list, who have requested not to receive marketing solicitations, received notices that did not include marketing messages.⁵ None of the letters provided in response to Commission Staff IR #3a appear to inform current customers of the Minnesota Telephone Assistance Plan (TAP) and/or Link-up that subscribing to Comcast Digital Voice will not enable them to receive the applicable discount.

It appears that Comcast has taken care to minimize any disruption to customers. Customers have been notified well in advance of the proposed date of discontinuance. Customers have been informed of the option to purchase local telephone service from another local service provider, and also have been provided with a list of other local service providers in Comcast Phone’s service area. In addition, Comcast notes that it will continue to provision “soft” dial tone⁶ for 30 days after the date of discontinuance for any remaining CDP customers.

It is the Department’s view that Comcast Phone has taken adequate steps to ensure that customers of its residential CDP service have been informed of the discontinuance and have been given the opportunity to make alternative arrangements for service. If Comcast has not already done so, it should be required to specifically advise any customers of TAP or Link-up that the

⁴ “Soft” dialtone provides customers with dial tone that enables them to place calls and provides access to E911. Customers cannot receive incoming calls.

⁵ Attached as DOC ATTACHMENT 2.

⁶ “Soft” dial tone provides customers with dial tone that enables them to place calls and provides access to E911. Customers cannot receive incoming calls.

discounts for which they may otherwise be eligible are not offered to customers of Comcast's CDV service.

B. COMCAST PHONE'S CERTIFICATE OF AUTHORITY TO PROVIDE LOCAL EXCHANGE SERVICE

Comcast states, in its response to Department Information Request (IR) # 2 (a)⁷ that it does not intend to relinquish its certificate of authority to provide local exchange service in Minnesota as a result of the discontinuance of its residential CDV offering, and further states, in response to Commission Staff's Information Request #8, that "after January 10, 2008, Comcast will continue to offer local and long distance telecommunications service to all *business* customers in its service area under the terms and conditions of the tariff that it has on file with the Commission"⁸ (emphasis added). Comcast states also, in response to Commission Staff Information Request #8 that "[t]he company does not intend to ask the Commission for a variance of MN Rule 7812.0600. Under the tariff that Comcast has on file with the Commission, Comcast offers local and long distance telecommunications service to business customers throughout its service area consistent with the requirements of MN Rule 7812.0600 as applied to Comcast's current tariffs."⁹

Comcast Phone introduced a "Business Basic Exchange Service," in Docket No. P3123/M-07-1054, on July 31, 2007. In Section 3.3.4 of its tariff, the service is described as follows:

Business Local Service provides the customer with one access line and usage within a Local Calling Area for the transmission of two-way interactive switched voice or data communications. Local Calling Areas are described in Section 2.2, preceding.¹⁰

The Company's services are furnished subject to the availability of facilities within the Local Serving Area and are subject to the terms and conditions of this Tariff.

Business Local Service provides the customer with one access line, touch-tone service, one commercial white page listing, one simple yellow page listing, 900/976 call blocking, and unlimited calling within the customer's Local Calling Area.

⁷ Attached as DOC ATTACHMENT 3.

⁸ Attached as DOC ATTACHMENT 4.

⁹ Id.

¹⁰ The local calling areas described in Section 2.2 of Comcast Phone's tariff mirror Qwest local calling areas.

Business Local Service is offered in conjunction with an associated long distance service provided by the Company as set forth in 4.2.1.C, following.¹¹

Business Local Service is subject to monthly recurring charges, usage rates, and, for certain call types, service charges on a per call basis.

Although Comcast Phone states that it will continue to offer local and long distance telecommunications service to all business customers, Comcast admits, in its response to the Department's IR #6(a) that it "currently does not have any business customers in Minnesota to which it provides local telecommunications lines."¹² Nor is it clear to the Department that Comcast Phone will ever have any business customers of the Digital Phone offering. Comcast states in response to Commission Staff IR#1(g) that it "no longer markets its CDP service,"¹³ and the service does not appear to the Department to be priced competitively. (Comcast's Basic Business Exchange Service is offered at \$70.00 monthly and the associated long distance calling plan is offered at \$0.12 per minute.) It is unclear to the Department under what circumstances a business customer would choose to subscribe to Comcast's business local exchange offering.

It is also unclear how Comcast Phone intends to provision business local exchange service pursuant to its existing certificate of authority, when it is discontinuing the residential CDP service because "its ability to use the facilities of its competitors is about to expire, and that, rather than attempt to replicate those outmoded methods for transmitting information, Comcast believes that customers will be better served through state of the art IP technologies."¹⁴

Moreover, Comcast Phone is required, pursuant to Minnesota Rule 7812.0600, subparts 1 and 3, and the terms of its existing Certificate of Authority, to provide its local service offering (which must include the ten services identified in subpart 1) on a nondiscriminatory basis to all customers who request service and whose premises fall within the carrier's service area boundaries or, for an interim period, to all requesting customers whose premises fall within the operational areas of the local service provider's service area.

The Department notes that Minnesota Rule 7812.0600 makes no distinction between business and residential customers, but simply requires that a local service provider offer its local service offering on a nondiscriminatory basis to ALL customers within its service area. If Comcast Phone wishes to be certificated as a local service provider for some subset of ALL customers, it should be required to, at a minimum, petition the Commission for a variance of Minnesota Rule 7812.0600.

¹¹ The "associated long distance service" described in Section 4.2.1C of Comcast Phone's tariff is offered at a rate of \$0.12 per minute."

¹² Attached as DOC ATTACHMENT 5.

¹³ Attached as DOC ATTACHMENT 6

¹⁴ Comcast Response to Commission Staff IR # 2, attached as DOC ATTACHMENT 7.

C. OTHER ISSUES RAISED BY THE PETITION

Comcast's Digital Voice Offering

Comcast offers, in its notices to customers, an opportunity to remain a Comcast customer by subscribing to Comcast Digital Voice Service (CDV). It is undisputed that Comcast Corporation currently provides its Comcast Digital Voice Service (CDV) to customers in Minnesota. Comcast Phone has provided an extensive list of communities where its CDV offering is available in answer to Commission Staff's Information Request # 1(h).¹⁵

Comcast has chosen to provide its CDV offering through two Comcast entities separate from Comcast Phone - Comcast IP Phone II, LLC, and Comcast IP Phone III, LLC (collectively Comcast IP Phone.) Neither entity holds a certificate of authority to provide telecommunications services in Minnesota. Comcast states, in response to Commission Staff IR# 1(b) that while "CDP is a traditional telecommunications service that delivers calls over the PSTN without any change in content [,] CDV is a digital service that routes calls in a variety of different ways. In those instances where some portion of the call is sent over the PSTN, the signal is converted through a net protocol change to a TDM signal."¹⁶

Comcast states that Comcast Phone of Minnesota, as a certified local exchange carrier, will obtain numbering resources to be assigned to Comcast IP Phone customers. Comcast Phone currently has interconnection agreements in Minnesota with Qwest, Frontier, and Embarq, and states that it intends to exchange local Comcast Digital Voice traffic pursuant to the same interconnection agreements it currently holds.

Comcast characterizes its offering as a "fully featured" IP-enabled voice service not regulated by the Commission, in its responses to Department and Commission staff. However, it characterizes both CDP and CDV as "home telephone services" in its mailings to customers. CDV's features, according to Comcast's mailings, include the ability for customers to retain their phone number, touch tone service, and the availability of popular calling features such as Caller ID, Call Waiting, Three-way calling and Voice Mail. Although the service may be at least partly over "Comcast's privately managed IP network,"¹⁷ the average consumer may not be aware or understand what technology or facilities are used to provision what has been marketed to them as nothing more than a bundled package of telecommunications services.

Comcast indicates, in response to Department IR #4 that "calls are routed over Comcast's private managed IP network. If a call is destined for an ILEC or CLEC subscriber, the IP packets are converted to TDM signals so that they can be sent to the public switched telephone network."¹⁸

¹⁵ Comcast Attachment B in response to Commission Staff IR#1(h) is attached as DOC ATTACHMENT 8

¹⁶ Comcast Response to Commission Staff IR #1(b), attached as DOC ATTACHMENT 9

¹⁷ Id.

¹⁸ Attached as DOC ATTACHMENT 10

Comcast further describes, in response to Department IR#5, a typical call originating with a CDV customer in St. Paul and terminating to a Qwest customer in Minneapolis, will travel as follows:

The call will originate from St. Paul's eMTA located in the customer's home. This device will signal through the Comcast distribution network to the CMTS located in the serving hub. The signaling then traverses from the local hub's CMTS to a regional router located in the same hub. The regional router sends the signal across Comcast's Regional Area Network to the mater head-on located in Roseville. The signal then traverses to the Call Management Center (CMS) which will detect the call and determine if the call needs to go off-net. If the call is an off-net call, the signaling is then sent on to the Media Gateway Controller, which is the interface between the Comcast CLEC. The call then goes over the interconnection to Qwest. At this point the call will follow the routing criteria of the PSTN to the Qwest customer in Minneapolis.¹⁹

Commission Jurisdiction

It is Comcast's position that the Commission does not have jurisdiction over the CDV offering, stating in its response to Commission staff information request # 1(d) that "CDP service is regulated by the Minnesota Public Utilities Commission (the 'Commission') and the Federal Communications Commission (the 'FCC'),[while] CDV service is regulated by the FCC."²⁰ Comcast states in response to Commission staff information request #9 "its belief that since CDV is not a service regulated by the Commission it is not necessary to file an application for approval."²¹

It is important to note that there are many different "flavors" of voice over internet protocol (VoIP), over some of which the FCC has asserted exclusive jurisdiction, and over some of which the FCC has not. CDV service appears to meet the FCC's definition of "interconnected VoIP service."²² It enables real-time two-way voice communications, appears to require a broadband connection from the user's location, requires Internet-Protocol-compatible customer premises equipment (CPE), and it permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. Further, it is a "fixed" service, as Comcast states in its response to Commission Staff IR#1(c).²³

¹⁹ Attached as DOC ATTACHMENT 11.

²⁰ See DOC ATTACHMENT 9.

²¹ Attached as DOC ATTACHMENT 12.

²² 47 CFR §9.3.

²³ See DOC ATTACHMENT 9.

The FCC, while currently considering the appropriate regulatory treatment of interconnected VoIP and other IP-enabled services in its IP-Enabled Rulemaking Docket,²⁴ has not preempted State authority to regulate fixed interconnected VoIP service, nor is it certain that it will do so in the foreseeable future. Further, while the FCC preempted State regulation of a nomadic²⁵ VoIP service offered by Vonage,²⁶ it did so solely because it was impossible or impractical to separate the intrastate from the interstate aspects of the service. The FCC declined, in its Order, to classify the Vonage service as an “information service,” nor has such a determination been made since the issuance of the Vonage Order. In the FCC’s more recent “Universal Service Contributions Order,” the FCC further clarified that

a fundamental premise of our decision to preempt Minnesota’s regulations in the Vonage Order was that it was impossible to determine whether calls by Vonage’s customers stay within or cross state boundaries...[W]e note that an interconnected VoIP provider with the capability to track the jurisdictional confines of customer calls would no longer qualify for the preemptive effects of our Vonage Order, and would be subject to state regulation. This is because the central rationale justifying the preemption set forth in the Vonage Order would no longer be applicable to such an interconnected VoIP provider.²⁷

The Department notes that on November 1, 2007, the Public Service Commission of the State of Missouri (PSC) issued a Report and Order finding that, pursuant to Missouri law, the [CDV] service offered by Comcast IP Phone meets the statutory definition of a telecommunications service subject to regulation by the PSC, and must apply for a certificate of service authority to provide that service by December 31, 2007. The Order requires that “[i]f Comcast IP Phone believes that application of particular rules or state statutes would be unduly burdensome, it may request waiver of those rules or statutes...”²⁸

The Department’s view is that whether and to what extent the Commission chooses to assert jurisdiction over the CDV offering (and other similar offerings in Minnesota) is currently for the Commission to determine. While issues such as this may someday be decided at the federal level, in the FCC’s currently open IP-Enabled Services Rulemaking Docket,²⁹ the FCC has not

²⁴ In the Matter of IP-Enabled Services, WC Docket No.04-36.

²⁵ A nomadic VoIP service (as opposed to the fixed Comcast offering) is one in which the customer can use the service to connect with a broadband internet connection anywhere in the world to place a call.

²⁶ In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Docket no. 03-211, FCC 04-267, 2004

²⁷ In the Matter of IP-Enabled Services, WC Docket No. 04-36, FCC 06-94 Report and Order and Notice of Proposed Rulemaking, “*Universal Service Contribution Order*,” 6-27-06 para. 56.

²⁸ Case No, TC-2007-0111, Complaint of Missouri Public Service Commission Staff vs. Comcast IP Phone, L.L.C., *Report and Order of the Public Service Commission of the State of Missouri*, November 7, 2007. p.12.

²⁹ In the Matter of IP-enabled Services, WC Docket No. 04-36.

yet promulgated rules nor has it indicated when, if ever, it will do so. Neither Congress nor the FCC has expressly preempted state regulation of the facilities-based “fixed” information protocol (IP)-enabled service that is at issue here.

V. COMMISSION OPTIONS

A. With respect to Comcast Phone’s Discontinuance of its Residential Comcast Digital Phone Service:

1. Allow Comcast Phone to discontinue its residential CDP Service and retain its existing certificate of authority. Require Comcast to provide, if it has not already done so, specific notice to its current TAP customers that, should they choose to subscribe to Comcast Digital Voice service, they will no longer receive the TAP discount for which they would otherwise be eligible.
2. Require that in order to retain its existing certificate of authority, Comcast Phone must continue to offer its residential CDP service or some other basic local exchange residential service that meets the requirements of Minn. Rule 7812.0600.
3. Allow Comcast Phone to discontinue its residential CDP service, but require Comcast Phone to apply for and receive Commission approval of a variance of Minn. Rule 7812.0600, allowing it to provide basic local exchange service only to business customers. Require Comcast to provide, if it has not already done so, specific notice to its current TAP customers that, should they choose to subscribe to Comcast Digital Voice service, they will no longer receive the TAP discount for which they would otherwise be eligible.

B. With respect to Comcast’s CDV Offering:

1. Find that the Commission has jurisdiction over the CDV offering in the instant docket, and require that Comcast IP Phone II and/or Comcast IP Phone III apply for and receive Commission approval of a certificate of authority to provide facilities-based local exchange service in Minnesota.
2. Open a Commission investigation into Comcast’s CDV offering and solicit comments as to if and how such service should be regulated.
3. Open a generic docket to investigate all similar fixed interconnected VoIP offerings in which other interested and /or affected parties may participate.

4. Take no action with respect to Comcast's CDV offering at this time. When actions at the FCC, other state Commissions, or circumstances in Minnesota so warrant, the Commission may choose to open an investigation into the appropriate state regulation of interconnected VoIP services.
5. Other action that the Commission deems appropriate.

VI. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission adopt alternative A3, allowing Comcast Phone to discontinue its residential CDP service, but requiring that Comcast Phone apply for and receive Commission approval of a variance of Minn. Rule 7812.0600 allowing it to provide basic local exchange service only to business customers. Comcast should also be required to provide, if it has not already done so, specific notice to its current TAP customers that, should they choose to subscribe to Comcast Digital Voice service, they will no longer receive the TAP discount for which they would otherwise be eligible. With respect to Comcast's CDV offering, the Commission will eventually need to address the regulatory requirements of interconnected VoIP services. This is a different technology, but the service is marketed to end use consumers as bundled local and long distance telephone services. The Department recommends that the Commission adopt alternative B3 or B4 to either open a generic docket to investigate all fixed interconnect VoIP offerings in Minnesota, or to recognize the likely need for such a docket at some point in the future.

/ja

ATTACHMENT B



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

October 31, 2007

Dear Valued Comcast Customer,

Thank you for being a loyal Comcast Digital Phone customer. This letter is to again inform you that Comcast is changing its telephone service offerings and that effective on or shortly after January 10, 2008, Comcast will provide telephone services only through its Digital Voice product line, and will no longer be providing service through its current Digital Phone product line in your community.

Your action is required! Because Comcast will be discontinuing all Digital Phone service, you will need to select a new telephone service *plan*. If you wish to retain your current telephone number and continuity of service, you must act soon. You may select the service provider of your choice and you must also select a new long distance provider if you use Comcast Digital Phone for your long distance service.

You do not have to select a new service *provider*, unless you choose to do so, since you can remain a Comcast customer by subscribing to our Comcast Digital Voice service.

While we appreciate your business and hope you will remain with Comcast, you should know that you also have the option to purchase local and long distance telephone service from other service providers in your area. A list of local service providers (LSPs) is attached for your convenience. Other LSPs may be identified by city by linking to the Minnesota Public Utilities Commission web page at http://www.puc.state.mn.us/about/utility_providers.htm#telecom.

This proposed discontinuance of your local telephone service is subject to regulatory approval by the Federal Communications Commission (FCC). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the FCC releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the §63.71 of Comcast Phone of Minnesota, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

TAKE ACTION NOW

Regardless of whether you select Comcast Digital Voice or a different service provider, we urge you to act quickly in order to maintain active phone service. If you do not switch your service to Comcast Digital Voice or another provider before January 10, 2008, your normal phone service will be terminated and you may not be able to retain your current telephone number. Please take action NOW to avoid an interruption in your service.

If you have any questions, please call Comcast Customer Service at: 612.460.4944.

Thank you for choosing Comcast.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

October 31, 2007

Dear Valued Comcast Customer,

Thank you for being a loyal Comcast Digital Phone customer. This letter is to again inform you that Comcast is changing its telephone service offerings and that effective on or shortly after January 10, 2008, Comcast will provide telephone services only through its Digital Voice product line, and will no longer be providing service through its current Digital Phone product line in your community.

Your action is required! Because Comcast will be discontinuing all Digital Phone service you will need to select a new telephone service *plan*. If you wish to retain your current telephone number and continuity of service, you must act soon. You may select the service provider of your choice and you must also select a new long distance provider if you use Comcast Digital Phone for your long distance service.

Comcast is making this change to provide our customers with the best voice services available. Because we value your business, we want to let you know that you do not have to select a new service provider. You can remain a Comcast customer by subscribing to our Comcast Digital Voice service and experience the simplicity, convenience and value of our new residential home phone service, for just \$19.95 a month for the first twelve months, plus free installation.* With Comcast Digital Voice service, you won't have to worry about complicated calling plans or calling rates that fluctuate based on the time of day. You'll enjoy *unlimited* calling to anyone, anytime, anywhere throughout Minnesota, the U.S., Canada and Puerto Rico.

With Comcast Digital Voice you can also enjoy all these benefits:

- 12 popular calling features such as Caller ID, Call Waiting, Three-way calling and more, plus Voice Mail!
- Free and easy installation—works with existing phones and jacks
- Keep your current phone number
- 30-day money back guarantee
- No contract requirement
- Enhanced 9-1-1, which means your home address and telephone number are automatically sent to your local emergency services dispatcher if you call 9-1-1

We are confident you'll agree that Comcast Digital Voice is a simple and easy way to meet your local, in-state and long distance calling needs. If you switch to Comcast Digital Voice, you will also have the added convenience of receiving one bill for all of your Comcast services. You may transfer your current service to Comcast Digital Voice today by calling Comcast at 612.460.4944.

While we appreciate your business and hope you will remain with Comcast, you should know that you also have the option to purchase local and long distance telephone service from other service providers in your area. A list of local service providers (LSPs) is attached for your convenience. Other LSPs may be identified by city by linking to the Minnesota Public Utilities Commission web page at http://www.puc.state.mn.us/about/utility_providers.htm#telecom.

This proposed discontinuance of your local telephone service is subject to regulatory approval by the Federal Communications Commission (FCC). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no

continued on other side

later than 15 days after the FCC releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the \$63.71 of Comcast Phone of Minnesota, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

TAKE ACTION NOW

Regardless of whether you select Comcast Digital Voice or a different service provider, we urge you to act quickly in order to maintain active phone service. If you do not switch your service to Comcast Digital Voice or another provider before January 10, 2008, your normal phone service will be terminated and you may not be able to retain your current telephone number. Please take action NOW to avoid an interruption in your service.

If you have any questions, please call Comcast Customer Service at: 612.460.4944.

Thank you for choosing Comcast.

*Offer expires 11/30/07. Offer may not be combined with any other offers. Comcast Digital Voice® offer available to existing Comcast Digital Phone customers only in Comcast serviceable areas (and may not be transferred), located at wired and serviceable locations. The Comcast Unlimited™ Package applies to direct-dial calls from your home to locations in the United States, Canada, Puerto Rico, US Virgin Islands, Guam and Saipan/N.Mariana Islands. No separate long distance carrier connection available. Plan does not include international calls. An EMTA (which may also be used for Comcast High-Speed Internet service) is required; Comcast's current monthly fee is \$3.00. Equipment fees are additional. After 12-month promotion, regular rates apply unless service is canceled by calling Comcast. Current monthly rate for Comcast Digital Voice is \$44.95 or \$39.95 for customers who also subscribe to Comcast High Speed Internet and Comcast Cable service. Free installation offer limited to standard installation. Custom installation charges are additional. Pricing shown does not include federal, state or local taxes and fees; our Regulatory Recovery Fee, which is not a tax or government required, or other applicable charges (e.g., per-call charges or international calling). Comcast Digital Voice® service (including 911/emergency service) may not function during an extended power outage. Certain customer premises equipment may not be compatible with Comcast Digital Voice services. Detailed account summary online is available through Comcast's monthly billing and not available as a special offered feature. Services are subject to terms and conditions of Comcast's subscriber agreements and other applicable terms and conditions. Restrictions apply. Call 612-460-4944 or visit www.Comcast.com for details. ©2007 Comcast. All rights reserved.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

September 17, 2007

Dear Valued Comcast Customer,

Thank you for being a loyal Comcast Digital Phone customer. This letter is to again inform you that Comcast is changing its telephone service offerings and will no longer be providing the traditional "circuit switched" Digital Phone product line which you currently enjoy. Effective January 10, 2008, Comcast will provide telephone services only through its new Comcast Digital Voice product which utilizes Internet Protocol technology over a secure, managed network. We are providing this notice well in advance of formal filings or regulatory requirements to help smooth your transition and to encourage you to contact us with any questions.

Your action is urgently requested! Because Comcast will be discontinuing all Digital Phone service, you will need to select a new telephone service *plan*. If you wish to retain your current telephone number and continuity of service, you must act soon. You may select the service provider of your choice and you must also select a new long distance provider if you use Comcast Digital Phone for your long distance service.

You do not have to select a new service *provider*, unless you choose to do so, since you will have the opportunity to remain a Comcast customer by subscribing to our Comcast Digital Voice service.

While we appreciate your business and hope you will remain with Comcast, you should know that you have the option to purchase local and long distance telephone service from any service provider in your area.

If you do not switch your service prior to discontinuance you may not be able to retain your current telephone number. Please take action NOW to avoid an interruption in your service.

If you have any questions, please call Comcast Customer Service at: 612.460.4922.

Thank you for choosing Comcast.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

September 17, 2007

Dear Valued Comcast Customer,

Thank you for being a loyal Comcast Digital Phone customer. This letter is to again inform you that Comcast is changing its telephone service offerings and will no longer be providing the traditional "circuit switched" Digital Phone product line which you currently enjoy. Effective January 10, 2008, Comcast will provide telephone services only through its new Comcast Digital Voice product which utilizes Internet Protocol technology over a secure, managed network. We are providing this notice well in advance of formal filings or regulatory requirements to help smooth your transition and to encourage you to contact us with any questions.

Your action is urgently requested! Because Comcast will be discontinuing all Digital Phone service you will need to select a new telephone service *plan*. If you wish to retain your current telephone number and continuity of service, you must act soon. You may select the service provider of your choice and you must also select a new long distance provider if you use Comcast Digital Phone for your long distance service.

Comcast is making this change to provide our customers with the best voice services available. Because we value your business, we want to let you know that you do not have to select a new service *provider*. You can remain a Comcast customer by subscribing to our Comcast Digital Voice service and experience the simplicity, convenience and value of our new residential home phone service, for just \$19.95 a month for the first twelve months.* With Comcast Digital Voice service, you won't have to worry about complicated calling plans or calling rates that fluctuate based on the time of day. You'll enjoy *unlimited* calling to anyone, anytime, anywhere throughout Minnesota, the U.S., Canada and Puerto Rico.

With Comcast Digital Voice you can also enjoy all these benefits:

- 12 popular calling features such as Caller ID, Call Waiting, Three-way calling and more, plus Voice Mail
- Free and easy installation—works with existing phones and jacks
- Keep your current phone number
- 30-day money back guarantee
- No contract requirement
- Enhanced 9-1-1, which means, your home address and telephone number are automatically sent to your local emergency services dispatcher if you call 9-1-1

We are confident you'll agree that Comcast Digital Voice is a simple and easy way to meet your local, in-state and long distance calling needs. If you switch to Comcast Digital Voice, you will also have the added convenience of receiving one bill for all of your Comcast services. You may transfer your current service to Comcast Digital Voice today by calling Comcast at 612.460.4922.

While we appreciate your business and hope you will remain with Comcast, you should know that you have the option to purchase local and long distance telephone service from any service provider in your area.

If you do not switch your service prior to discontinuance you may not be able to retain your current telephone number.

Please take action NOW to avoid an interruption in your service.

If you have any questions, please call Comcast Customer Service at: 612.460.4922.

Thank you for choosing Comcast.

Offer expires 10/31/07. Offer may not be combined with any other offers. Comcast Digital Voice offer available to existing Comcast Digital Phone customers only in Comcast serviceable areas (and may not be transferred), located at wired and serviceable locations. The Comcast Unlimited™ Package applies to direct-dial calls from your home to locations in the United States, Canada, Puerto Rico, US Virgin Islands, Guam and Saipan/N. Mariana Islands. No separate long distance carrier connection available. Plan does not include international calls. An EMTA (which may also be used for Comcast High-Speed Internet service) is required; Comcast's current monthly fee is \$3.00. Equipment fees are additional. After 12-month promotion, regular rates apply unless service is canceled by calling Comcast. Current monthly rate for Comcast Digital Voice is \$44.95 or \$39.95 for customers who also subscribe to Comcast High Speed Internet and Comcast Cable service. Free installation offer limited to standard installation. Custom installation charges are additional. Pricing shown does not include federal, state or local taxes and fees; our Regulatory Recovery Fee, which is not a tax or government required, or other applicable charges (e.g., per-call charges or international calling). Comcast Digital Voice* service (including 911/emergency service) may not function during an extended power outage. Certain customer premises equipment may not be compatible with Comcast Digital Voice services. Detailed account summary online is available through Comcast's monthly billing and not available as a special offered feature. Services are subject to terms and conditions of Comcast's subscriber agreements and other applicable terms and conditions. Restrictions apply. Call 612.460.4922 or visit www.Comcast.com for details. ©2007 Comcast. All rights reserved.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

NOTICE OF CHANGE IN TERMS

July 12, 2007

Dear Valued Customer,

Effective August 7, new subscriptions to Comcast Digital Phone Local Service will no longer be accepted in Minnesota and change requests impacting these services will be limited. The purpose of this letter is to notify you of the impact this change may have on your service.

If you subscribe to Local Service, after August 7 you will be able to continue to make only the following changes to your current Comcast Digital Phone service. You may change your directory listing, the name on your account, your billing address, telephone number, and call blocking status.

Among others, after August 7, you will not be able to transfer service to a new address, change your existing calling features, change your existing calling plan, add a calling plan, or add an additional line.

Comcast looks forward to continuing to serve your home phone needs. Please call us at 612.460.4971 if you are planning a change to your service or if you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Diers".

David Diers
Vice President, Advanced Services
Comcast



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

NOTICE OF CHANGE IN TERMS

July 12, 2007

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Effective August 7, new subscriptions to Comcast Digital Phone Local Service will no longer be accepted in Minnesota and change requests impacting these services will be limited. The purpose of this letter is to notify you of the impact this change may have on your service.

If you subscribe to Local Service, after August 7 you will be able to continue to make only the following changes to your current Comcast Digital Phone service. You may change your directory listing, the name on your account, your billing address, telephone number, and call blocking status.

Among others, after August 7, you will not be able to transfer service to a new address, change your existing calling features, change your existing calling plan, add a calling plan, or add an additional line.

If you would like to learn more about our newest home phone service—Comcast Digital Voice and our Triple Play bundle, featuring Comcast Digital Cable, High-Speed Internet and Digital Voice, please call us at 612.460.4971.

Comcast Digital Voice—for one low monthly price

- Enjoy unlimited local and long distance calling throughout the U.S., Canada and Puerto Rico
- Includes 12 popular calling features plus Voice Mail—you can even check your Voice Mail online
- Receive one convenient bill for all your Comcast services

Now is a great time to make the switch to Comcast Digital Voice. Place your order by July 31 and get your first 12 months for just \$19.95 per month plus FREE standard installation.

Comcast looks forward to continuing to serve your home phone needs. Please call us at 612.460.4971 if you are planning a change to your service or if you have any other questions.

Sincerely,

David Diers
Vice President, Advanced Services
Comcast

Offer expires 7/31/07. Offer may not be combined with any other offers. Comcast Digital Voice® offer available to residential customers only in Comcast serviceable areas (and may not be transferred), located at wired and serviceable locations. The Comcast Unlimited™ Package applies to direct-dial calls from your home to locations in the United States, Canada, Puerto Rico, US Virgin Islands, Guam and Saipan/N.Mariana Islands. No separate long distance carrier connection available. Plan does not include international calls. An EMTA (which may also be used for Comcast High-Speed Internet service) is required; Comcast's current monthly fee is \$3.00. Equipment fees are additional. After 12-month promotion, regular rates apply unless service is canceled by calling Comcast. Current monthly rate for Comcast Digital Voice varies from \$39.95-\$44.95 depending on other Comcast services subscribed to, if any. Installation offer limited to standard installation. Custom installation charges are additional. Pricing shown does not include federal, state or local taxes and fees; our Regulatory Recovery Fee, which is not a tax or government required, or other applicable charges (e.g., per-call charges or international calling). Comcast Digital Voice® service (including 911/emergency service) may not function during an extended power outage. Certain customer premises equipment may not be compatible with Comcast Digital Voice services. Detailed account summary online is available through Comcast's monthly billing and not available as a special offered feature. Services are subject to terms and conditions of Comcast's subscriber agreements and other applicable terms and conditions. Restrictions apply. Call 1-888-COMCAST or visit www.Comcast.com for details. ©2007 Comcast. All rights reserved.

**Docket No. P3123/M-07-1067
Information Request 3**

Reference: Comcast's Notice dated September 17, 2007 Notifying Minnesota Customers that Digital Phone service will no longer be offered effective January 10, 2008.

List the kinds of notices and publications released by Comcast related to the discontinuance of the Digital Phone service in Minnesota.

a. Include copies of all released notices and letters to customers, with the date of issue, the numbers of letters mailed, and the geographic coverage of the mailings.

Comcast has provided its CDP customers with a series of notice letters to ensure that they are well informed of important dates and the actions that need to be taken before the company discontinues its CDP services on January 10, 2008. On July 12, 2007, the company provided its customers with notice that its CDP services would be grandfathered as of August 7, 2007, and that it would no longer be accepting new orders for CDP services. On September 17, 2007, the company sent notice to its CDP customers that it would be discontinuing its CDP services on January 10, 2008. On November 3, 2007, Comcast again sent all of its remaining CDP customers notice that it would be discontinuing its CDP services on January 10, 2008, and instructing them on the steps they must take to maintain uninterrupted home phone service. Those CDP customers on Comcast's "Do Not Mail" list who have requested not to receive marketing solicitations received notices that did not include marketing messages. Copies of the notice letters are provided as **Attachment B**.

b. Include copies of all publications, with the dates of issue, the names and geographic coverage of the publications.

The company has not published anything regarding the discontinuance of its CDP service in any form other than the notice letters that it has sent to its customers.

Richard Wolfe

Name

Senior Director, Government Affairs

Title

November 9, 2007

Date

State of Minnesota
DEPARTMENT OF COMMERCE

Utility Information Request

Docket Nos: P3123/M-07-1067 and P3123/M-07-1417

Date of Request: November 28, 2007

Requested From: Richard Wolfe
Comcast Phone of Minnesota, Inc.

Response Due: December 10, 2007

Analyst Requesting Information: Katherine Doherty

Type of Inquiry: ☐ Financial ☐ Rate of Return ☐ Rate, Design
 ☐ Engineering ☐ Forecasting ☐ Conservation
 ☐ Cost of Service ☐ CIP ☐ Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
2	a. Is it Comcast's intent to relinquish, as a result of the discontinuance of Digital Phone, its certificate of authority to provide local exchange service in Minnesota? No. Comcast Phone of Minnesota, Inc. (hereinafter "Comcast" or the "Company") does not intend to relinquish its certificate of authority to provide local exchange service in Minnesota.
	b. If not, how will Comcast continue to fulfill the basic local service requirements of 7812.0600 (specifically subparts, 1, 2 and 3). Comcast offers a business local exchange service pursuant to section 3.3.4 of its Exchange Services Price List.

Response by: Richard Wolfe

List sources of information:

Title: Senior Director

Comcast Phone of Minnesota, Inc.
Exchange Services Price List

Department: Government Affairs

Telephone: (248) 233-4552

Docket No. P3123/M-07-1067
Information Request No. 8

Reference: Comcast's filing on August 6, 2007 with the MPUC to reflect the grandfathering of the Local Only service, and associated services in Docket No. P3123/M-07-1067.

Does the company intend to ask the Commission for a variance of MN Rule 7812.0600 requiring a local service provider to provide its local service offering to ALL customers within its service area? If not, show how the filing comports with all sub parts of MN Rule 7812.0600.

The company does not intend to ask the Commission for a variance of MN Rule 7812.0600. Under the tariff that Comcast has on file with the Commission, Comcast offers local and long distance telecommunications service to business customers throughout its service area consistent with the requirements of MN Rule 7812.0600 as applied to Comcast's current tariffs.

Richard Wolfe

Name

Senior Director, Government Affairs

Title

November 9, 2007

Date

**State of Minnesota
DEPARTMENT OF COMMERCE**

Utility Information Request

Docket Nos: P3123/M-07-1067 and P3123/M-07-1417

Date of Request: November 28, 2007

Requested From: Richard Wolfe
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Type of Inquiry: ☐ Financial ☐ Rate of Return ☐ Rate, Design
 ☐ Engineering ☐ Forecasting ☐ Conservation
 ☐ Cost of Service ☐ CIP ☐ Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
6	Comcast indicates in its response to Commission IR #8 that it "offer(s) local and long distance telecommunications service to business customers throughout its service area consistent with the requirements of MN Rule 7812.0600"
a.	To which Comcast entity(ies) does the response refer (i.e., which Comcast entity(ies) offer(s) local and long distance telecommunications service to business customers throughout its service area consistent with the requirements of the MN rule 7812.0600"? Comcast Phone of Minnesota, Inc.
b.	Please provide a tariff reference for each of the local telecommunications services consistent with the requirements of MN Rule 7812.0600 that Comcast provides to business customers in Minnesota. Comcast Phone of Minnesota, Inc. Exchange Services Price List, Section 3.3.4.
c.	How many local telecommunications lines does Comcast provide to business customers in Minnesota? If more than one Comcast entity provides local telecommunications lines to business customers in Minnesota, please answer separately for each Comcast entity that provides such service. Comcast Phone of Minnesota, Inc. currently does not have any business customers in Minnesota to which it provides local telecommunications lines.

Response by: Richard Wolfe

List sources of information:

Title: Senior Director

Comcast Phone of Minnesota, Inc.
Exchange Services Price List

Department: Government Affairs

Telephone: (248) 233-4552

Pricing for Comcast's CDP services is specified in the tariffs that Comcast has on file with the Commission. Pricing for Comcast's CDV services is specified in pricelists that are published on the Company's website at www.Comcast.com/cdv/termsofservice. For those subscribers without internet access, a copy of the pricing may be obtained by calling 1-800-Comcast.

f. **Calling Scope and other features included in the price.**

Features associated with Comcast's CDP services are listed in the tariffs that Comcast has on file with the Commission. Comcast's CDV service includes unlimited nationwide direct-dial calling from the subscriber's home to Puerto Rico, US Virgin Islands, Guam, Saipan/N. Mariana Islands, Canada and American Samoa. The service also includes the following calling features: 3-way Calling, Anonymous Call Rejection, Call Forwarding Selective, Call Forwarding Variable, Call Return, Call Screening, Call Waiting, Caller ID, Caller ID Per-Call or Per-Line Blocking, Caller ID with Call Waiting, Repeat Dialing, Speed Dial 8, Enhanced Voice Mail, Digital Voice Portal and other enhanced features.

g. **Marketing strategies.**

Comcast no longer markets its CDP service. Comcast uses many traditional marketing tools to promote its CDV service including, but not limited to, direct mail, outbound calling, and mass market advertising.

h. **Geographical availability in MN.**

A list of the communities where Comcast provides its CDP service and a list of communities where it provides its CDV service appears below as **Attachment A**.

i. **Others.**

With CDV service, Comcast is able to converge its data, video and CDV service all over the same distribution facilities, providing greater efficiencies that in turn translate into more attractive pricing and packages for consumers.

Richard Wolfe
Name

Senior Director, Government Affairs
Title

November 9, 2007
Date

**Docket No. P3123/M-07-1067
Information Request 2**

Reference: Comcast's Notice dated September 17, 2007 Notifying Minnesota Customers that Digital Phone service will no longer be offered effective January 10, 2008.

Please explain why the company is proposing to discontinue the Digital Phone service.

As noted above, Comcast's ability to use the facilities of its competitors is about to expire. Rather than attempt to replicate those outmoded methods for transmitting information, Comcast believes that customers will be better served through state-of-the-art IP technologies. By offering CDV only as its home phone service, Comcast can rely exclusively on its own private IP-managed network, which provides a single and more robust operational platform.

Richard Wolfe

Name

Senior Director, Government Affairs

Title

November 9, 2007

Date

Communities Where Comcast Provides its CDV Service

Afton	Ham Lake	North St. Paul
Andover	Hanover	Oak Grove
Anoka	Hastings	Oak Park Heights
Arden Hills	Helena Township	Oakdale
Bayport	Hilltop	Osseo
Baytown Township	Hopkins	Pine Springs
Birchwood	Hugo	Plymouth
Blaine	Inver Grove Heights	Ramsey
Bloomington	Jackson Township	Richfield
Brooklyn Center	Jordan	Robbinsdale
Brooklyn Park	Lake Elmo	Rogers
Burnsville	Lakeland Shores	Roseville
Carver	Landfall	Sand Creek Township
Centerville	Lanesburgh Township	Shakopee
Champlin	Lauderdale	Shoreview
Chaska	Lexington	South St. Paul
Circle Pines	Lilydale	Spring Lake Park
Columbia Heights	Lino Lakes	St. Paul
Coon Rapids	Little Canada	St. Anthony
Corcoran	Louisville Township	St. Croix Beach
Cottage Grove	Mahtomedi	St. Louis Park
Crystal	Maple Grove	St. Mary's Point
Dellwood	Maplewood	St. Paul Park
Denmark Township	Medicine Lake	Stillwater

Eagan	Mendota	Stillwater Township
Eden Prairie	Mendota Heights	Sun Fish Lake
Edina	Minneapolis	Vadnais Heights
Falcon Heights	Minnetonka	Waverly
Fridley	Montrose	West Lakeland
Gem Lake	Moundsview	West St Paul
Golden Valley	New Brighton	White Bear Lake
Grant Township	New Hope	White Bear Township
Grey Cloud	New Prague	Willernie
Lakeland	Newport	Woodbury
	North Oaks	

ATTACHMENT C

The company's response is filed separately under confidential seal.

Docket No. P3123/M-07-1067
Information Request 1

Reference: Comcast's Notice dated September 17, 2007 Notifying Minnesota Customers that Digital Phone service will no longer be offered effective January 10, 2008.

Describe the differences between your Comcast Digital Phone service which you propose to grandfather in Docket No. P3132/M-07-1067, and your Comcast Digital Voice service which will be available for migration by your customers. Explain all aspects of the two products, including:

Comcast currently supports two home phone service offerings: Comcast Digital Phone service ("CDP") and Comcast Digital Voice service ("CDV"). CDP is the legacy circuit-switched phone service that Comcast retained from the acquisition of AT&T Broadband in November of 2002. Since that time Comcast has been required to rely on facilities outside of Comcast's network through contracts with its competitors. Those contracts are about to expire, and Comcast has made substantial investments in wholly owned facilities to modernize its service offerings, in this case CDV.

CDV is Comcast's fully featured home phone service offering that uses state of the art internet protocol ("IP") technology and is delivered entirely over Comcast's private managed IP-network.

a. Technical provision.

CDP service is a traditional telecommunications service that delivers calls over the PSTN without any change in content. CDV is a digital service that routes calls in a variety of different ways. In those instances where some portion of the call is sent over the PSTN, the signal is converted through a net protocol change to a TDM signal.

b. Underlying technologies and facilities employed.

CDP is a traditional PSTN service that utilizes facilities that Comcast contracts from other service providers. CDV is an IP-based service that is delivered over Comcast's privately managed IP network. Both CDP and CDV services employ hybrid fiber-coax distribution facilities.

c. The extent to which each service is fixed or portable.

Both CDP and CDV are fixed services.

d. Regulatory coverage.

CDP service is regulated by both the Minnesota Public Utilities Commission (the "Commission") and the Federal Communications Commission (the "FCC"). CDV service is regulated by the FCC.

e. Pricing.

State of Minnesota
DEPARTMENT OF COMMERCE

Utility Information Request

Docket Nos: P3123/M-07-1067 and P3123/M-07-1417

Date of Request: November 28, 2007

Requested From: Richard Wolfe
Comcast Phone of Minnesota, Inc.

Response Due: December 10, 2007

Analyst Requesting Information: Katherine Doherty

Type of Inquiry: ☐ Financial ☐ Rate of Return ☐ Rate, Design
 ☐ Engineering ☐ Forecasting ☐ Conservation
 ☐ Cost of Service ☐ CIP ☐ Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
4	Comcast indicates in its response to Commission IR#1 that "CDV is a digital service that routes calls in a variety of different ways" Please provide a detailed explanation of the ways in which CDV calls are routed. Calls are routed over Comcast's private managed IP network. If a call is destined for an ILEC or CLEC subscriber, the IP packets are converted to TDM signals so that they can be sent to the public switched telephone network.

Response by: Richard Wolfe

List sources of information:

Title: Senior Director

Department: Government Affairs

Telephone: (248) 233-4552

State of Minnesota
DEPARTMENT OF COMMERCE

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☐ Engineering ☐ Forecasting ☐ Conservation
☐ Cost of Service ☐ CIP ☐ Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
5	<p>Comcast indicates, in its response to IR #2 of the Minnesota Public Utilities Commission (Commission) that "Comcast has been required to rely on facilities outside of Comcast's network through contracts with its competitors [which are] about to expire. Comcast further states that it "has made substantial investments in wholly owned facilities to modernize its service offerings."</p> <p>Please describe how a typical call will travel if it originates with a CDV customer in St. Paul and terminates to a Qwest customer in Minneapolis. In your response please identify the point at which the call is on the public switched telephone network.</p> <p>The call will originate from Comcast's St. Paul customer's eMTA located in the customer's home. This device will signal through the Comcast distribution network to the CMTS located in the serving hub. The signaling then traverses from the local hub's CMTS to a regional router located in the same hub. The regional router sends the signal across the Comcast Regional Area Network to the mater head-end located in Roseville. The signal then traverses to the Call Management Server (CMS) which will detect the call and determine if the call needs to go off-net. If the call is an off-net call, the signaling is sent on to the Media Gateway Controller, which is the interface between the Comcast CLEC. The call then goes over the interconnection to Qwest. At this point, the call will follow the routing criteria of the PSTN to the Qwest customer in Minneapolis.</p>

Response by: Richard Wolfe

List sources of information:

Title: Senior Director

Department: Government Affairs

Telephone: (248) 233-4552

Docket No. P3123/M-07-1067
Information Request No. 9

Does Comcast intend to file for Commission approval for the provision of the replacement service or its Comcast Digital Voice service? If yes, please indicate plans for such filing. If not, please explain rationale.

Comcast does not intend to file for Commission approval for the provision of a replacement service or for its CDV service.

Comcast reiterates its belief that since CDV is not a service regulated by the Commission it is not necessary to file an application for approval.

Richard Wolfe

Name

Senior Director, Government Affairs

Title

November 9, 2007

Date

STATE OF MINNESOTA)

) SS

COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

I, Sharon Ferguson, being first duly sworn, deposes and says: that on the 14th day of December, 2007, served the Minnesota Department of Commerce Comments

MN DOC DOCKET NUMBER: P3123/M-07-1417

XX by depositing in the United States Mail at the City of St. Paul,
a true and correct copy thereof, properly enveloped with
postage prepaid

XX electronic filing

/s/Sharon Ferguson

Subscribed and sworn to before me

this 14th day of December, 2007

/s/ Clodetta I. Jenson
Notary Public-Minnesota
Commission Expires 1/31/2009

P3123/M-07-1417

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STATE OF MINNESOTA)
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